

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

NICOMEDES TUBAR, III,

Plaintiff,

V.

JASON CLIFT; and THE CITY OF KENT,
WASHINGTON, a municipal corporation,

Defendants.

No. C05-1154-JCC

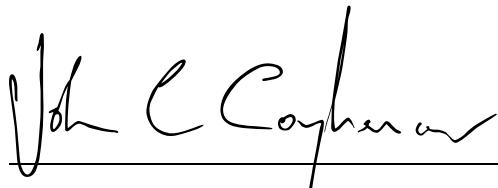
ORDER GRANTING DEFENDANTS'
MOTION TO QUASH SUBPOENA
DUCES TECUM DIRECTED TO CITY
ATTORNEY ARTHUR "PAT"
FITZPATRICK

This matter comes before the Court on Defendants' Motion to Quash Subpoena Duces Tecum (Dkt. No. 307), Plaintiff's Response (Dkt. No. 322), and Defendants' Reply (Dkt. No. 326). Having considered the records and files herein, the briefs of the parties and related submittals, and being duly advised, the Court finds as follows:

The subpoena duces tecum and its “Exhibit A” is directed at matters, specifically unredacted billing records relating to Defendant City of Kent’s legal services received from Keating Bucklin and McCormack, Inc. P.S. between May 2002 and March 2004. Defendants have demonstrated “good cause” to quash the subpoena because: (1) Plaintiff failed to employ the proper discovery device, Fed. R. Civ. P. 34, for seeking production of party-defendant City of Kent’s documents; and (2) any limited probative value of the evidence sought in the unredacted version of these billing records is substantially outweighed by the risk of unfair prejudice, *see* Fed. R. Evid. 403.

1 Accordingly, Defendants' Motion to Quash (Dkt. No. 307) the aforementioned
2 subpoena duces tecum is hereby GRANTED.

3 SO ORDRED this 14th day of May, 2009.
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8 John C. Coughenour
9 UNITED STATES DISTRICT JUDGE
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